

MS#155706.01 (4931)
PATENTREMARKS

Applicants thank the Examiner for the courtesy of a telephone interview on August 10, 2004. During the interview, Applicants' representative James J. Barta, Jr. discussed the patentability of the claims including claim 1 in view of the cited references including Day et al. (U.S. Pat. No. 6,016,400) with Examiner Suryawanshi. In particular, the arguments below were presented. No agreement was reached. No exhibit was shown and no demonstration was conducted.

Applicants have thoroughly considered the Examiner's remarks in the June 16, 2004 Office action. Claims 1-55 are presented in the application for further examination. Claims 1, 23, 24, 31, 37, 39, 46, and 47 have been amended by this Amendment A to more clearly set forth the present invention. Claim 56 has been added. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-11, 15, 20-36, 39, 40, 42-49, 51, 53, and 54 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Day et al. (U.S. Pat. No. 6,016,400). Applicants disagree and submit that the Examiner is not providing full weight to the language of the claims and the recitations specified therein. Although Applicants believe that the unamended claims previously pending are distinguishable over the cited references, some of the claims have been amended in view of the Examiner's remarks.

The Examiner states that the Day et al. patent discloses a user-customized, text-based script. Applicants believe that the Examiner may not have fully appreciated the distinctions between the Day et al. patent and the present invention. The Day et al. patent discloses a "preload customization script...[that] is the first file to be read by the AIX base operating system (bos) install code." (see col. 3, lines 49-51). The Day et al. patent does not define customization and fails to recognize that the script may be text-based and edited by the user.

In contrast, amended claim 1 recites "providing a user with access to a text-based script" and "editing, by the user, the text-based script." The Day et al. patent fails to disclose or suggest either of these elements. In particular, the "preload customization script" of the Day et al. patent

MS#155706.01 (4931)
PATENT

does not imply the "user-customized, text-based script" of amended claim 1. Even if the "preload customization script" of the Day et al. patent did imply editing of a script, which it does not, the "preload customization script" of the Day et al. patent does not imply the editing of a text-based script. In fact, the word "text" does not appear anywhere in the Day et al. patent.

Independent claims 1, 23, 24, 31, 34, 39, 46, and 47 have been amended to emphasize the editable and text-based aspects of the present invention. As such, the rejection for these claims should be removed. The claims depending from these independent claims include additional limitations and are thus patentable for at least the same reasons that the independent claims are patentable. Thus, it is submitted that claims 1-36 and 39-55 are patentable over the Day et al. patent.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 12-14, 16-19, 37, 38, 41, 50, 52, and 55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Day et al. (U.S. Pat. No. 6,016,400). Applicants disagree, and note that all the independent claims (including independent claim 37) have been amended to recite the editable and text-based aspects of the present invention which are not in the Day et al. patent. Claim 38 depends from amended claim 37 and is patentable for at least the same reasons that amended claim 37 is patentable. As such, the rejection of claims 12-14, 16-19, 37, 38, 41, 50, 52, and 55 should be removed.

Conclusion

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

MS#155706.01 (4931)
PATENT

Respectfully submitted,



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CERTIFICATE OF FACSIMILE

I certify that this Amendment A in the application of Ryan Burkhardt, et al., Serial No. 09/912,864, filed July 24, 2001 is being transmitted via facsimile to Examiner Suresh Suryawanshi of the United States Patent and Trademark Office at 703-872-9306, on this 16th day of September, 2004.



Kami Luter

JJB/kll